

ASSEMBLY BILL

No. 2045

Introduced by Assembly Member Harper

February 17, 2016

An act to amend Section 9030 of the Elections Code, relating to initiatives.

LEGISLATIVE COUNSEL'S DIGEST

AB 2045, as introduced, Harper. Initiative petitions.

The California Constitution authorizes an initiative measure to be proposed by presenting to the Secretary of State a petition of the proposed statute or constitutional amendment that is certified to have been signed by a certain percentage of electors. Existing law requires each section of a petition to be filed with the elections official of the county or city and county in which the petition was circulated and requires the elections officials to determine the total number of signatures affixed to the petition and transmit that information to the Secretary of State.

This bill would make technical, nonsubstantive changes to the latter provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9030 of the Elections Code, as amended
2 by Section 9 of Chapter 697 of the Statutes of 2014, is amended
3 to read:

1 9030. (a) Each section of the petition shall be filed with the
2 elections official of the county or city and county in which it was
3 circulated, but all sections circulated in ~~any~~ a county or city and
4 county shall be filed at the same time. Once filed, ~~no~~ a petition
5 section shall *not* be amended except by order of a court of
6 competent jurisdiction.

7 (b) Within eight days after the filing of the petition, excluding
8 Saturdays, Sundays, and holidays, the elections official shall
9 determine the total number of signatures affixed to the petition
10 and shall transmit this information to the Secretary of State. If the
11 total number of signatures filed with all elections officials is less
12 than 100 percent of the number of qualified voters required to find
13 the petition sufficient, the Secretary of State shall so notify the
14 proponents and the elections officials, and no further action shall
15 be taken with regard to the petition.

16 (c) If the number of signatures filed with all elections officials
17 is 100 percent or more of the number of qualified voters needed
18 to declare the petition sufficient, the Secretary of State shall
19 immediately so notify the elections officials.

20 (d) Within 30 days after ~~this notification~~, *a notification under*
21 *subdivision (c)*, excluding Saturdays, Sundays, and holidays, the
22 elections official shall determine the number of qualified voters
23 who have signed the petition. If more than 500 names have been
24 signed on sections of the petition filed with an elections official,
25 the elections official shall use a random sampling technique for
26 verification of signatures, as determined by the Secretary of State.
27 The random sample of signatures to be verified shall be drawn in
28 such a manner that every signature filed with the elections official
29 shall be given an equal opportunity to be included in the sample.
30 The random sampling shall include an examination of at least 500
31 or 3 percent of the signatures, whichever is greater. In determining
32 from the records of registration what number of qualified voters
33 have signed the petition, the elections official may use the duplicate
34 file of affidavits of registered voters or the facsimiles of voters'
35 signatures, ~~provided that~~ *if* the method of preparing and displaying
36 the facsimiles complies with law.

37 (e) The elections official, upon ~~the completion of~~ *completing*
38 the examination, shall immediately attach to the petition, except
39 the signatures ~~thereto appended~~, *appended to the petition*, a
40 properly dated certificate, showing the result of the examination,

1 and shall immediately transmit the petition and the certificate to
2 the Secretary of State. A copy of ~~this~~ *the* certificate shall be filed
3 in the elections official's office.

4 (f) If the certificates received from all elections officials by the
5 Secretary of State establish that the number of valid signatures
6 does not equal 95 percent of the number of qualified voters needed
7 to find the petition sufficient, the petition shall be deemed to have
8 failed to qualify, and the Secretary of State shall immediately so
9 notify the proponents and the elections officials.

10 (g) If the certificates received from all elections officials by the
11 Secretary of State total more than 110 percent of the number of
12 qualified voters needed to find the petition sufficient, the Secretary
13 of State shall certify that the measure is qualified for the ballot as
14 provided in Section 9033.